

REMARKS/ARGUMENTS

Reconsideration and allowance are requested of Claim 1 which was rejected by the Examiner under 35 USC 102(b) as being anticipated by Osweiler. MPEP § 706.02(b) states that a 35 USC § 102(b) rejection can be overcome by persuasively arguing that the claims are patentably distinguishable from the prior art reference, and/or by amending the claims to patentably distinguish over the prior art. Moreover, anticipation under 35 USC 102(b) requires that *all* of the elements and limitations of the claim be found within a single prior art reference. Carella v. Starlight Archery and Pro Line Co., 804 F.2d 135, 138, 231 USPQ 644, 646 (Fed.Cir.1986). There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. Scripps Clinic & Research Foundation v. Genentech, Inc., 927 F.2d 1565, 1576 (C.A. Fed. 1991).

Claim 1 is patentably distinct from the Osweiler reference because the claim recites structure by which the inner mold is in fact the vibration structure without the necessity of the H beam 20 of Osweiler to which the vibration mechanism is secured (Osweiler, column 3, lines 32-35). Moreover, the Osweiler structure does not disclose the structure recited in Claim 1. The examiner has stated that Osweiler teaches upper and lower bearing mounting plates secured to the inner mold, referring to column 2, lines 40-41, column 3, lines 59-60 and column 4, lines 15-16 of Osweiler. Apparently what the examiner is referring to as the “upper and lower bearing mounting plates” are the bottom support plate 27 and the top ring 70. However, it is clear from Fig. 1 and the description contained in Osweiler that these are *not* bearing mounting plates which

support the bearings for the coupling shaft 45 of Osweiler. In fact, the bearings supporting the coupling shaft 48 of Osweiler are bearings, 40a, 40b, 41a and 41b (column 3, lines 32-35), all of which are *rigidly supported along the H beam 20*, which beam is not necessary in Applicants' claimed apparatus. In other words, Applicants' recited structure of upper and lower bearing mounting plates with coupling shaft bearings mounted on the plates to support the coupling shaft clearly is not shown or described in Osweiler. Osweiler requires the use of the H beam 20 which adds expense to the structure and more importantly, requires considerable space inside of the inner mold. By eliminating the H beam 20 of Osweiler, Applicants' claimed structure allows the vibration system to be used with small diameter cores, specifically for pipe sizes having an inside diameter of "12" to 24". Moreover, as now recited in Claim 1, the entire vibration system, including the drive motors, is built into and located inside of the inner mold. This eliminates the external drive motor and belts of Osweiler (column 3, lines 61-64). Thus, it is clear that Osweiler does not teach each and every one of the claimed elements of Applicants' Claim 1 and therefore Osweiler does not anticipate Claim 1.

Reconsideration and allowance are requested of Claim 2 which stands rejected under 35 USC 103(a) as being unpatentable over Osweiler in view of Tuerck. Claim 2 is submitted as being patentable for all of the reasons noted above with respect to Claim 1. The Tuerck patent adds nothing to Osweiler since it is directed to a mechanism for a collapsible inner core and teaches nothing about vibration. The hubs in Tuerck that examiner refers to as being configured with lugs or projections are not on the end of a rotating shaft, but rather are on a vertical slider that translates vertical motion into a

radial retraction motion. The lugs of Tuerck are not used to transmit torque or to maintain alignment of eccentric weights in a vibration system. Applicants' coupling hubs are fixed to each of the upper and lower ends of the coupling shaft, not a stationery part of the inner mold. It is submitted that if the coupling devices 46 and 47 of Osweiler were replaced by the hubs of Tuerck, it is possible that the Osweiler device would not function properly. Moreover, there is no necessity to have coupling hubs containing jaws in Osweiler. It would add nothing to the function or operation of Osweiler.

Reconsideration and allowance is requested of Claim 3 which stands rejected under 35 USC 103(a) as being unpatentable over Osweiler in view of Tuerck and further in view of Schmidgall. Claim 3 is submitted as being patentable over these references for all of the reasons urged above with respect to Claims 1 and 2. In addition, the upper and lower vibrators of the Schmidgall reference are synchronized to run at the same time, but they operate with opposite polarity and therefore are operated in opposite directions. In Applicants' claimed apparatus, the upper and lower vibrator assemblies are synchronized to provide for proper alignment and to operate at the same time but also in the same direction.

Reconsideration and allowance is requested of Claim 4 which stands rejected under 35 USC 103(a) as being unpatentable over Osweiler in view of Tuerck and further in view of Schmidgall and further in view of Berry. Berry teaches only the use of an expansion-deflection coupling for a stationery conduit that is embedded in the wall of a concrete product. The purpose of the coupling of Berry is to flexibly connect two pieces

of electrical conduit, whereas the purpose of the elastomeric coupling elements of Applicants' invention is to dampen vibration through the coupling shaft. This protects the metal coupling hubs from wear since the elastomeric coupling elements are replaceable. The couplings of Applicants' apparatus are contained inside of the inner mold and are never in contact with concrete, as in Berry, and they are rotating and not stationery. Applicants' claimed couplings provide connections through a power transmission shaft - not a device used to protect the conduit against misalignment.

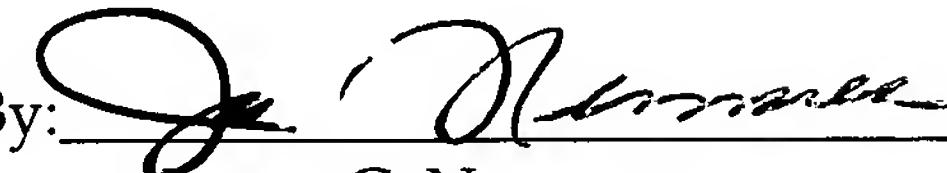
With reference to the rejection of Claims 2, 3 and 4 under 35 USC 103(a), unless there is some suggestion or motivation in one of the references that the combination can be made, the law is clear that the combination is not proper. See, In Re Sang-Su-Lee, 277 F.3rd 1338, 61 USPQ 2d 1430 (Fed. Cir. 2002); Heidelberger Druckmaschinen AG v. Hantscho Commercial Products Inc., 21 F.3d 1068 (Fed. Cir. 1994). These cases, as well as other earlier cases cited therein, unanimously hold that the motivation to combine features of prior art references cannot come from the invention itself but must be suggested by the prior art. See, Panduit Corp. v. Dennison Mfg. Co., 810 F.2d 1561 (Fed. Cir. 1987); In Re Geiger, 815 F.2d 687 (Fed. Cir. 1987); Alco Standard Corp. v. Tennessee Valley Auth., 808 F.2d 1490 (Fed. Cir. 1986). In determining whether a person of ordinary skill would have been led to this combination of references, it is improper simply to use that which the inventor taught against its teacher. W. L. Gore v. Garlock, Inc., 721 F2d 1540, 220 USPQ 303 (Fed. Cir. 1983). The examiner has cited no suggestion or motivation in the cited references that the references can be combined to produce the structure of Applicants Claims 2, 3 and 4, and Applicants submit the combination is not

a proper basis for the rejection of these claims.

For all of the foregoing reasons, further and favorable action on this application is requested.

Respectfully submitted,

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